

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Browne	Team: Squad #5	CCRB Case #: 201412590	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 12/11/2014 10:35 PM	Location of Incident: § 87(2)(b)	Precinct: 81	18 Mo. SOL 6/11/2016	EO SOL 6/11/2016	
Date/Time CV Reported Thu, 12/11/2014 11:41 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/19/2014 2:40 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Diery Louis	29819	940395	081 PCT
2. POM William Reddin	18523	944924	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Charles Fox	31129	941775	081 PCT
2. SSA Michael Miller	02951	921596	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Diery Louis	Force: PO Diery Louis struck § 87(2)(b) with a nightstick.	§ 87(2)(b)
B.POM Diery Louis	Force: PO Diery Louis pointed his gun at § 87(2)(b) and individuals.	§ 87(2)(b)
C.POM William Reddin	Force: PO William Reddin pointed his gun at § 87(2)(b)	§ 87(2)(b)
D.POM Diery Louis	Abuse: PO Diery Louis entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
E.POM William Reddin	Abuse: PO William Reddin entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
F.POM Diery Louis	Abuse: PO Diery Louis threatened to arrest § 87(2)(b) and individuals.	§ 87(2)(b)
G.POM Diery Louis	Off. Language: PO Diery Louis made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)

Case Summary

At approximately 10:25 p.m. on December 11, 2014, § 87(2)(b) engaged in a physical fight with § 87(2)(b) on the corner of Ralph Avenue and Gates Avenue in Brooklyn, which is located one block from the 81st Precinct stationhouse. Officers identified through investigation as PO Louis Diery and PO William Reddin of the 81st Precinct observed this altercation and approached, at which point § 87(2)(b) fled on foot to his home, located less than two blocks away at § 87(2)(b). With PO Louis and PO Reddin in pursuit, § 87(2)(b) reached his home and attempted to scale a tall metal gate leading to a side alley. However, he alleged that before he made it over, PO Louis struck him in the head with a baton (**Allegation A**), causing a deep laceration and heavy bleeding. Regardless, § 87(2)(b) continued over the gate and ran into his house through the back entrance. Meanwhile, PO Louis and PO Reddin knocked on the front door, which was answered by § 87(2)(b)'s aunt, § 87(2)(b). With their guns allegedly drawn and pointed at her (**Allegations B and C**), PO Louis and PO Reddin then entered without consent in order to apprehend § 87(2)(b) (**Allegation D and E**).

After apprehending and handcuffing § 87(2)(b) upstairs, the officers escorted him outside and seated him in a chair in front of the house. Due to the severity of § 87(2)(b)'s head wound, the officers called for an ambulance multiple times. While they waited, § 87(2)(b) alleged that she pleaded with PO Louis to allow her to help § 87(2)(b) but that PO Louis refused and stated, "Say it again, I'll take your black ass to jail" (**Allegation F and G**). After some delay, an ambulance arrived and transported § 87(2)(b) to § 87(2)(b). He was ultimately charged with § 87(2)(b). Part of the incident was captured on cell phone footage recorded by PO Louis, who provided it to the CCRB.

Mediation, Civil and Criminal Histories

Given § 87(2)(b)'s arrest and the seriousness of his injury, this case was deemed unsuitable for mediation. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

As of the date of this report, a request for any notice of claim associated with this incident is still pending.

Civilian and Officer CCRB Histories

- PO Louis has been a member of the NYPD for nine years and has been a subject in twenty-one prior CCRB cases involving forty-four allegations (see Board Review #3). No prior allegations of entry or offensive language have been made against him, and only one prior allegation of a threat of arrest has been made, which was closed as complainant uncooperative. There have been eight prior allegations of physical force, three of which have been exonerated, one of which has been unsubstantiated, and four of which have

been closed as complainant uncooperative or unavailable. § 87(2)(g)

- PO Reddin has been a member of the NYPD for seven years and has been a subject in eight prior CCRB cases involving thirteen allegations (see Board Review #4). One prior entry allegation has been made against him, though it was closed as complainant uncooperative. § 87(2)(g)
- § 87(2)(b)

Potential Issues

Although § 87(2)(b) and witnesses § 87(2)(b) and § 87(2)(b) all provided relatively detailed and accurate descriptions of PO Louis and PO Reddin, they could not describe any of the numerous other officers who were allegedly in the house or outside throughout the incident. PO Louis and PO Reddin were similarly unable to identify any other responding officers. The EVENT report generated for the incident (see Board Review #7) revealed that as many as twelve different units responded to the location within three to five minutes, though the codes do not indicate which tour the officers worked. Because the incident took place only one and a half blocks from the 81st Precinct stationhouse and occurred around time of a shift change—illustrated by the fact that the two above officers who pursued § 87(2)(b) were themselves from different scheduled tours—there were over thirty potential witness officers listed on roll calls (see Board Review #8) who could have witnessed the alleged threat of arrest and use of offensive language.

An initial request for 81st Precinct documents was made on December 31, 2014. However, despite four follow up attempts with the IAB liaison, the rolls calls were not received at the CCRB until April 16, 2015, significantly delaying the progress of the case. Memo books of over thirty officers were subsequently requested, though over half of those documents have not been received by the CCRB as of the date of this report. Of the memo books that were provided, two officers—PO Charles Fox and Sgt. Michael Miller—were identified as witnesses and interviewed. Det. Shaimaa Weber of the 81st Precinct, who was PO Louis’ partner that day, stated over the phone that she did not respond to this incident because she § 87(2)(b) was on restricted administrative duty, which was confirmed by her memo book (see Board Review #9).

Findings and Recommendations

Allegations Not Pleaded

- § 87(2)(g)
- **Discourtesy:** Although § 87(2)(b) originally reported to IAB that an officer told her to “Get the fuck back,” which was reiterated by witnesses § 87(2)(b) and § 87(2)(b) did not make this allegation during her CCRB interview, even after being specifically questioned about additional statements made by the officers. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A—Force: PO Diery Louis struck § 87(2)(b) with a nightstick.

According to the IAB log that detailed § 87(2)(b)'s original 911 call (see Board Review #10), she maintained she did not witness any part of the pursuit of § 87(2)(b) and was only told by officers after the incident that § 87(2)(b) had fallen off of a fence, causing a deep laceration to his head that required multiple stitches (see Board Review #11). According to records from § 87(2)(b), § 87(2)(b) stated to emergency medical personnel on scene as well as hospital staff that he sustained his head injury after falling over a fence, so the mechanism of injury was listed as "height of fall." However, during his sworn statement, § 87(2)(b) claimed that although he did not actually see the officer swing the object that struck him, he saw a black object coming towards him out of the corner of his eye before feeling a blow to his head before reaching the other side of the fence. § 87(2)(b) also denied ever falling over the fence or hitting his head on the ground or other object in the area. He further claimed that he was told by § 87(2)(b) later on that she witnessed PO Louis striking him in the head from her vantage point at the front right window of the house. During her CCRB statement, § 87(2)(b) (see Board Review #12) reiterated that she did not witness any officer strike § 87(2)(b) but believed one did because she has seen officers strike civilians in the past. Based on a photograph of the house (see Board Review #13), the far right window through which § 87(2)(b) claimed § 87(2)(b) witnessed the incident is not in the line of sight of the gate that he climbed. Neither § 87(2)(b) nor § 87(2)(b) (see Board Review #14) witnessed the initial altercation.

PO Louis maintained that he was approximately ten to fifteen feet behind § 87(2)(b) throughout the pursuit, and denied both that he was in possession of an asp or baton at the time as well as ever striking § 87(2)(b) in any way. Instead, he maintained that as § 87(2)(b) reached the top of the metal gate, he fell head first into the alley on the other side. PO Reddin, the only other officer present at the time, corroborated PO Louis' version of events. Video footage recorded by PO Louis on his cell phone at the time of the incident (see Board Review #15) showed § 87(2)(b) seated outside § 87(2)(b). When PO Louis asked him what happened, § 87(2)(b) stated that the individual with whom he was originally fighting punched him. PO Louis also provided a second cell phone video clip (see Board Review #16) showing the other side of the gate where there was a metal pipe stained with blood on which he believed § 87(2)(b) must have gashed his head.

§ 87(2)(g)

Allegation B—Force: PO Diery Louis pointed his gun at § 87(2)(b)

Allegation C—Force: PO William Reddin pointed his gun at § 87(2)(b)

Allegation D—Abuse of Authority: PO Diery Louis entered § 87(2)(b) in Brooklyn.

Allegation E—Abuse of Authority: PO William Reddin entered § 87(2)(b) in Brooklyn.

It is undisputed that § 87(2)(b) assaulted § 87(2)(b) and subsequently fled from PO Louis and PO Reddin as they approached to intervene. Both officers maintained that § 87(2)(b) appeared unconscious on the ground amidst multiple strikes by § 87(2)(b). It is also undisputed that after § 87(2)(b) climbed a fence leading to the back of § 87(2)(b), PO Louis and, allegedly, PO Reddin drew their guns and knocked on the front door, which was

which § 87(2)(b) can be heard in close proximity questioning § 87(2)(b) with the officers about the nature of his injury. At no point throughout the <01:37> clip does PO Louis tell anyone to stand back or prevent them from helping § 87(2)(b) Sgt. Miller, who arrived just before § 87(2)(b) was escorted out of the house, corroborated that the officers enlisted the civilians' help to care for § 87(2)(b) as they waited for an ambulance, and denied hearing PO Louis make any threats of arrest or references to any civilian's race or ethnicity as alleged. PO Fox did not definitively recall if he ever responded to § 87(2)(b), but he denied hearing any officer make the alleged threat of force or reference to a civilian's race.

§ 87(2)(g)

_____.

POD: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date